

Attorney Docket: 030212  
U.S. Application 10/722,921 Art Unit 2614 Examiner Tieu  
Response to December 11, 2007 Office Action

### **REMARKS**

In response to the Office Action mailed December 11, 2007, the Assignee respectfully requests entry of the above amendments and consideration of the following remarks. The Assignee respectfully submits that pending claims distinguish over the cited documents of record.

Claims 1-20 are pending in this application.

### **Rejections under § 102 (e)**

The Office rejected claims 1-7, 9-12, and 14-20 under 35 U.S.C. § 102 (e) as allegedly being anticipated by U.S. Patent Application Publication 2005/0073999 to Koch.

These claims, however, are not anticipated by *Koch*. The pending claims recite, or incorporate, features that are not taught or suggested by *Koch*. Independent claim 1, for example, recites "*accessing a profile storing information for generating a message*" and "*at a time indicated in the profile, generating the message.*" Support for such features may be found at least in the as-filed application at paragraph [0023]. Independent claim 1 also recites "*retrieving a voice communications address from the profile.*" Support for such features may be found at least in the as-filed application at paragraph [0025]. Independent claim 1 also recites "*routing the message to a destination address.*" Support for such features may be found at least in the as-filed application at paragraphs [0023] and [0025]. Independent claim 1 also recites "*when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address.*" Support for such features may be found at least in the as-filed application at paragraph [0025]. Independent claim 1 is reproduced below, and independent claims 11, 12, 14, and 18 recite similar features.

[c01] A method, comprising:

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accessing a profile storing information for generating a message;  
at a time indicated in the profile, generating the message;  
retrieving a voice communications address from the profile;  
routing the message to a destination address; and  
when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address.

On the contrary, *Koch* describes third party information (such as news, weather, and stocks) that may be included with an "Internet Caller-ID message." U.S. Patent Application Publication 2005/0073999 to Koch at paragraphs [0011] and [0036]. A profile may establish what information a subscriber wishes to receive. *See id.* at paragraphs [0012] and [0061]. The third party information may be "piggy backed" onto a caller ID message. *Id.* at paragraphs [0080] and [0082].

Even so, claims 1-7, 9-12, and 14-20 are not anticipated. Independent claims 11, 12, 14, and 18 all recite features that are not taught or suggested, such as "*at a time indicated in the profile, generating the message*" and "*retrieving a voice communications address from the profile.*" The independent claims also similarly recite "*when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address.*"

The dependent claims also recite distinguishing features. Claim 2, for example, recites "*when the off-hook condition is not detected within the pre-selected time period, then declining to automatically establish the voice connection.*" Support for such features may be found at least in the as-filed application at paragraph [0025]. Claim 3 recites "*retrieving a stock symbol from the profile.*" Support for such features may be found at least in the as-filed application at paragraph [0023]. Claim 4 recites "*retrieving an origination address from the profile, the origination address indicating from where a stock quote may be obtained for the stock symbol.*"

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Support for such features may be found at least in the as-filed application at paragraph [0023]. Claim 5 recites "*querying the origination address to obtain the stock quote.*" Support for such features may be found at least in the as-filed application at paragraphs [0023] and [0025]. Claim 6 recites "*including the stock quote in the message routed to the destination address.*" Support for such features may be found at least in the as-filed application at paragraphs [0023] and [0025]. Claim 7 recites "*calling the origination address to obtain the stock quote.*" Support for such features may be found at least in the as-filed application at paragraph [0023]. Claim 8 recites "*retrieving a parameter from the profile that describes an alert that accompanies the message.*" Support for such features may be found at least in the as-filed application at paragraph [0023]. Claim 9 recites "*retrieving a day of a week from the profile for generating the message.*" Support for such features may be found at least in the as-filed application at paragraph [0023]. Claim 10 recites "*retrieving from the profile information describing an amount of owned shares.*" Support for such features may be found at least in the as-filed application at paragraph [0027].

Claims 1-7, 9-12, and 14-20, then, are not anticipated. The Office is thus respectfully requested to remove the § 102 (e) rejection of these claims.

**Rejection of Claims 8 & 13 under § 103 (a)**

Claims 8 and 13 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Koch* in view of U.S. Patent Application Publication 2004/0161083 to Crockett, *et al.*

These claims, however, cannot be obvious over *Koch* with *Crockett*. The pending claims recite, and incorporate, features that are not taught or suggested by the combined teaching of *Koch* with *Crockett*. As the above paragraphs already explained, claims 8 and 13 depend, respectively, from independent claims 1 and 12 and incorporate features not taught or suggested by *Koch*. The published application to Crockett, *et al.* does not cure these deficiencies. *Crockett* describes custom alerts (e.g., audio files) that may be associated to calling numbers. Still, though, the proposed combination of *Koch* with *Crockett* fails to teach or suggest all the features

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of independent claims 1 and 12, from which claims 8 and 13 depend. Because *Koch* with *Crockett* is silent to all these features, one of ordinary skill in the art would not think that claims 8 and 13 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott Zimmerman', with a stylized flourish at the end.

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